



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,876	01/17/2002	Hans-Hermann Wippersteg	3957/59156-103	7926

7590 06/26/2009
HUSCH & EPPENBERGER, LLC
Suite 1400
401 Main Street
Peoria, IL 61602

EXAMINER

FISHER, MICHAEL J

ART UNIT	PAPER NUMBER
----------	--------------

3689

MAIL DATE	DELIVERY MODE
-----------	---------------

06/26/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/051,876	Applicant(s) WIPPERSTEG, HANS-HERMANN	
	Examiner MICHAEL J. FISHER	Art Unit 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 53-74 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 53-74 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 53-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PAT 5,442,553 to Parillo (Parillo) in view of US PAT 5,999,908 to Abelow .

As to claim 53, Parillo discloses a system for repair management of vehicles (title), a network with interfaces for communication (fig 1), processors with memories (computers, abstract lines 1-5), recording in memories individual data uniquely associated with each machine (col 5, lines 14-16), a first data set comprising a plurality of base repair plans (abstract, lines 4-6), recording in memory a data set comprising changed in the machines (col 4, lines 57-64) and a repair plan ("work path") is generated based on this information (col 5, lines 14-19).

Parillo does not, however, teach storing pre-service life design changes. Parillo, as discussed, does teach using the system for agricultural machinery or storing pre-service-life design changes.

Parillo does teach the system as storing maintenance changes to the machine (timing, as discussed above), however, Parillo does not specifically teach hardware changes to the machines (such as conversion of parts).

Abelow teaches an electronic repair manual that is updated to reflect changes to the machines (col 31, lines 35-39) to be serviced. Further, Abelow teaches this to be done remotely from the machines (col 2, lines 13-20).

It would have been obvious to one of ordinary skill in the art to modify the system as taught by Parillo with the updated service manuals as taught by Abelow as both teach systems and methods for repair of equipment and updating the information in order to keep the electronic manual up to date on the modifications of the machines to be serviced.

As to claim 54, the data set includes modification history of the machine (col 4, lines 57-60 of Parillo and further in col 31, lines 35-39 in Abelow).

As to claim 55, the display shows an approval field for response by the user (col 5, lines 40-42, the response would be the customer bringing the vehicle in for repairs).

As to claim 56, the system receives feedback data (col 1, lines 54-56).

As to claim 57, the feedback consists of maintenance status (col 4, lines 40-50).

As to claim 58, there is a variance database (col 5, lines 44-46).

As to claim 59, Parillo does not specifically mention part performance evaluations. However, Parillo does teach using the information to correct deficiencies (col 5, lines 44-45), therefore, it would have been obvious to one of ordinary skill in the art to modify the system as taught by Parillo by saving part performance evaluations as these would aid in correcting deficiencies in deficient parts.

As to claim 60, the remote computer is located in the vehicle (fig 2).

As to claim 61, Parillo does not specifically mention recording model or year, however, it would have been obvious to one of ordinary skill in the art to record model and year as Parillo discloses using the information to make subsequent model years less likely to break down (col 5, lines 44-46).

As to claim 62, the data consists of the machine's service history (col 4, lines 57-60).

As to claim 63, the system transmits diagnostic data (title).

As to claim 64, the data includes a list of parts (inherent in that repair information is sent to minimize repair time, col 5, lines 40-44).

As to claim 65, it is inherent that needed resources are provided else the repairs could not be performed.

As to claim 66, Parillo does not teach a verification element to ensure the repairs are performed. It would have been obvious to one of ordinary skill in the art to include a verification unit to ensure the work that's supposed to be done is done.

As to claim 67, Parillo does not specifically teach "producing documentation", however, it would have been obvious to one of ordinary skill in the art to have the unit produce documentation and send it to the central computer to ensure the work that's supposed to be done is done.

As to claim 68, the central computer produces an account for repair of the machine with the aid of the repair plan (claim 9).

As to claim 69, Parillo does not teach a remote, repair vehicle. It would have been obvious to one of ordinary skill in the art to use a remote repair vehicle in case the vehicle is in an area where the network isn't active or if the machine's hardware needs to be repaired instead of just software. .

As to claim 70, Parillo teaches a diagnostic system in each vehicle (22, fig 2) that sends data to the central computer (31).

As to claim 71, parts replaced according to the plan would have “reached the end of their useful service life”.

As to claim 72,74, upgrade data is able to be updated (col 4, lines 57-60).

As to claim 73, Parillo teaches a repair plan. It is old and well known in the art for repair plans to list which parts have to be removed in order to get to the defective part (for instance, in replacing a heating core the instructions generally include telling how to get to the heater core by removing the console or dash board), therefore, it would have been obvious to one of ordinary skill in the art to include instructions for how to repair the vehicle (dismount parts in order to reach the defective part) as this would give the repairer a repair plan that tells how to repair the vehicle.

Response to Arguments

Applicant's arguments filed 4/9/09 have been fully considered but they are not persuasive. As to arguments in relation to “modification”, the examiner generally agrees. The reference points to saving “changes”. While the applicant can be his own lexicographer, he cannot change the plain meaning of words and, broadly interpreting (as an examiner must read limitations in their broadest possible sense) the term “modification” it is a synonym for “change”. If you “change” something, you have inherently “modified” it. The examiner disagrees that Parillo does not teach changes, it teaches repairing items, repair includes component changes (replacing a broken component for a working one), it further would include any changes included in upgrading equipment. Applicant cannot deny that “modifying” such farm equipment as

combines and harvesters is very old and well known in the art. Therefore, to use a known system in a known way is obvious. Often, repairing such farm equipment includes upgrading, were Parillo's system used for farm machinery it would of necessity reflect any changes to the machine and therefore, meet the limitations as claimed.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MICHAEL J. FISHER** whose telephone number is

Art Unit: 3689

(571)272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm
alt Fri. off.

The fax phone number for the organization where this application or proceeding
is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a
USPTO Customer Service Representative or access to the automated information
system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MF
6/17/09

/Janice A. Mooneyham/
Supervisory Patent Examiner, Art Unit 3689